

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DARIN D. DAVIDSON,

Case No. 11-CV-3733 (NEB/DJF)

Plaintiff,
v.
ORDER ACCEPTING REPORT AND
RECOMMENDATION

GOVERNOR MARK DAYTON,
ATTORNEY GENERAL LORI
SWANSON, CAL LUDEMAN,
LUCINDA JESSON, DENNIS BENSON,
DANIEL STORKAMP, GREGORY
CARLSON, KEVIN MOSER, JANINE
HEBERT, TOM LUNDQUIST,
ELIZABETH BARBO, JOHN DOE OR
JANE DOE, DEBBIE THAO, DR. ANN
MARIE LAVALLEY-WOOD,
TERRANCE KNEISEL, TIMOTHY
GORR, DAVID BORNUS, ERIK SKON,
JAMIE JUNGERS, SUE JOHNSON,
YVETTE ANDERSON, ANN
ZIMMERMAN, AMANDA FUREY,
ANDREA KOSLOSKI, KELLI MINOR,
SUE LINDA ANDERSON, and JAMES
MARTINEZ, *each sued in their individual
capacity and in their official capacity as
employees of the Department of Human
Services,*

Defendants.

The Court has received the January 3, 2023, Report and Recommendation of United States Magistrate Judge Dulce J. Foster. (ECF No. 19.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 19) is ACCEPTED;
2. The following claims are DISMISSED WITHOUT PREJUDICE:
 - a. Ground One;
 - b. The unlawful-search claims raised in Ground Three;
 - c. Ground Four;
 - d. Ground Five;
 - e. Ground Six;
 - f. Ground Seven;
 - g. Ground Eight;
 - h. Ground Ten;
 - i. Ground Twelve;
 - j. Ground Thirteen;
 - k. Ground Fourteen;
 - l. Ground Fifteen;

- m. Ground Sixteen;
- n. Ground Eighteen;
- o. Ground Nineteen;
- p. Ground Twenty; and
- q. Ground Twenty-One.

3. Defendant John or Jane Doe is DISMISSED WITHOUT PREJUDICE from this litigation.

4. Each of the remaining Defendants are DISMISSED WITHOUT PREJUDICE in their personal capacities.

Dated: February 7, 2023

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel
United States District Judge